

Appendix 4-1

Emery County Zoning Regulations

ARTICLE IV
LARGE SCALE DEVELOPMENTS

9-1 GENERAL PROVISIONS

9-1-1 Large Scale Developments Permitted

The following types of large scale developments may be authorized within the County, but only in those zones in which the development is specifically listed as a potential use.

TYPES	ZONE PERMITTED
1. Planned seasonal housing developments	CE-2
2. Major underground and surface mine developments	M&G-1, CE-1, CE-2, I-1
3. Large scale industrial projects	I-1, M&G-1
4. Major utility transmission and railroad projects	A-1, M&G-1, CE-1, CE-2, I-1

(Res. 11-12-79)

9-1-2 Procedure for Approval

A. Developer Confers with Planning Commission Staff.

The developer shall meet with the Planning Commission staff to discuss the basic concept of the proposed large scale development and to obtain information concerning the County's requirements for approval and construction.

The purpose of the conference is to acquaint the developer with the range of opportunities for development under the large scale development provision and also to insure that the developer is fully aware of the approval procedure and the requirements and standards for design and construction of the project and the content of the required documents and statements.

B. Pre-Application Conference.

The developer shall prepare and present to the Planning Commission Staff:

1. A sketch plan(s) and general written description of the project.
2. A statement indicating the present ownership status of the land.

The purpose of the conference is to provide informal assistance to the developer in the preparation of the plans early in the process. The staff may suggest changes in the proposed layout in order that the project may be more fully consistent with the County's Comprehensive Plan and also with the County development regulations and policies. The recommendations from the staff shall be purely advisory and in no way shall the conference be construed to constitute approval of the plan.

C. Developer Prepares Preliminary Plans, Documents, and Statements and Submits to Staff.

After the pre-application conference the developer shall prepare and submit

to the Planning Commission Staff:

1. An application for approval of the large scale development on forms furnished by the Staff.
2. Four (4) copies of all required preliminary plans, documents and statements.
3. Evidence of payment of the required review fee

The application of all other material must be submitted at least fifteen (15) days prior to the meeting of the Planning Commission at which it is to be considered.

D. Staff Reviews Preliminary Plans, Documents, and Statements.

Upon receipt of the submissions from the developer the Staff shall:

1. Review the plans, documents and statements for completeness and for conformance with County Standards and Comprehensive Plan.
2. Submit said plans, documents and statements or portions thereof to the Engineer, Building Inspector, Attorney, Fire Authority and other appropriate public agencies for their review and recommendation.

E. Staff Submits Preliminary Plans, Documents, and Statements to Planning Commission.

Upon completion of the review by the Staff the preliminary plans, documents, and statements shall be submitted to the Planning Commission together with a verbal or written report summarizing the results of the review process and making recommendations for further action.

F. Planning Commission Reviews and Takes Action on Preliminary Plans, Documents and Statements.

The Planning Commission shall review the preliminary plans, documents, and statements together with the findings of the Staff review process and shall act to approve or disapprove the proposal or approve it subject to modification.

~~Approval by the Planning Commission shall be deemed as a positive recommendation to the County Commission that a public hearing on the proposed project be advertised and held and the project approved.~~

Approval by the Planning Commission shall not constitute final approval of the project, but shall be deemed as a positive recommendation to the County Commission that a public hearing on the proposed project be advertised and held and the project approved.

G. County Commission Reviews Plans, Documents, and Statements and Calls Public Hearing.

Upon approval of the preliminary plan, documents and statements by the Planning Commission, the County Commission shall review the preliminary plans, documents, and statements and shall advertise and hold a public hearing on the proposed project. Said hearing shall be called in the same manner as an amendment to this Resolution.

H. County Commission Takes Action on Preliminary Plans, Documents and Statements.

Following the public hearing, the County Commission shall act upon the preliminary plans, documents and statements to approve, disapprove, or approve subject to modification.

If disapproved, no further action is required. If approved subject to modification, the plans, documents, and statements shall be returned to the Planning Commission with instructions that the developer should modify the

plans, documents, and statements in accordance with required changes and to re-submit the modified proposal to the Planning Commission for its further review and recommendation.

If approved, the preliminary plans, documents, and statements shall be returned to the developer with instruction to proceed to prepare and submit the final plans, documents and statements through the Planning Commission.

Upon passage of a motion by the County Commission to approve the preliminary plans, documents, and statements, the County shall be committed to grant final approval of the final plans, documents, and statements upon compliance with all procedure, standards, requirements, and any conditions attached to said approval relating to the applicable large scale developments. The preliminary plans and documents shall be valid for twelve (12) months from the date of action by the County Commission. The time limit may be extended for an additional year upon approval by the County Commission. Any extension of time shall be officially requested in writing, and submitted to the Planning Commission office thirty-one (31) days prior to the end of the twelve month preliminary approval period. No construction shall be permitted until final approval of the development has been obtained.

I. Developer Prepares and Submits Final Plats, Plans, Documents and Statements.

After receiving authorization to proceed, the developer shall prepare and submit to the Planning Commission:

1. Application for Final Approval
2. Two (2) linen or reproducible tracing and four (4) copies of the final plat (where required).
3. Four (4) copies of the final plans.
4. Three (3) copies of the final documents and statements.
5. Three (3) copies of an itemized estimate of the cost of construction the required improvements and/or reclamation guarantees and the time frame for construction.
6. Evidence of payment of review and recording fee.

All submissions shall be prepared in accordance with County standards. In order for the development to be placed on the agenda, the final plans, plat, and documents must be submitted to the Planning Commission office at least seven (7) days prior to the meeting at which the plans are to be considered.

J. Planning Commission Acts on Final Plat, Plans, Documents and Statements.

When the plans, plat, documents, cost estimates, and other materials required for approval have been completed in final form, the developer may make application to the Planning Commission and the Planning Commission will grant final approval after reviewing the final plan and ascertaining that:

1. All final plans, plats and documents conform substantially with those given preliminary approval.
2. The estimates of cost of constructing the required improvements and/or reclamation guarantees are adequate.
3. Tax liabilities of the common open space, where applicable, have been determined.

Upon a finding of approval, the chairman shall be authorized to sign required final plats.